PATENT

October 16, 2007   _a Beggs_

Date   Alexandra Beggs

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 09/932,241	Confirmation No.	: 4822
Applicant	: Doug Rollins		
Filed	: August 17, 2001	Attorney Docket No.:	500964.01 (29949/US)
Art Unit	: 2144	Customer No.	: 27,076
Examiner	: Peling Andy Shaw		
Title	: NETWORK COMPUTER PROVIDING MASS STORAGE, BROADBAND ACCESS, AND OTHER ENHANCED FUNCTIONALITY		

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Commissioner for Patents
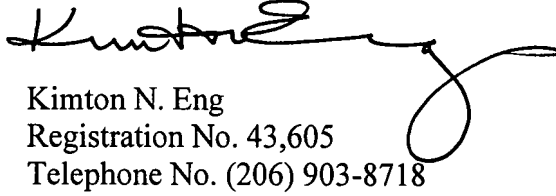P.O. Box 1450
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

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ATTACHMENT TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 1-6, 8-10, 16-20, 22-33, and 37-46 are pending in the present application. In the office action mailed April 16, 2007 (the "Office Action"), the Examiner rejected claims 1, 2, 4-6, 8-10, 16, 18-20, 22-26, 28-32, 37, and 39-46 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,301,666 to Rive (the "Rive patent"), in view of U.S. Patent Application Publication No. 20020188887 to Largman et al. (the "Largman application"). Claims 3, 17, 27, 33, and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Rive patent, in view of the Largman application, and U.S. Patent Application Publication No. 20030033606 to Puente et al. (the "Puente application").

A pre-appeal brief conference is requested because the Examiner has failed to cite references that, alone or in combination, teach or suggest the combination of limitations recited by the pending claims.

For example, with reference to claims 1 and 16, the combined teachings of the Rive patent and Largman application do not teach or suggest a network computer system having a mass storage device coupled to the processor, the mass storage device having a first partition for storing user preference data and a second partition for storing user file data that may be accessed by the processor. Claims 25, 37, and 44 have similar limitations as well.

Additionally, the combined teachings of the Rive patent and Largman application do not teach or suggest a network computer system having a user preferences reset device operable to reset at least some of the user preferences data independently of resetting user file data when activated and a user file data reset device operable to reset at least some of the user file data independently of resetting user preference data when activated, as recited by claims 1 and 16.

With reference to claims 25 and 37, the combined teachings of the Rive patent and Largman application do not teach or suggest a network computer having second and third reset devices coupled to the mass storage device, each reset device operable to set at least some of the user preference data and at least some of the user file data to desired values, respectively, independently of setting any of the system parameters set by a first reset device.

The Rive patent and Largman application further fail to teach or suggest a method for operating a network computer that includes independently resetting system parameters

associated with the embedded operating system, user preference data, and user file data in response to first, second, and third reset requests, respectively, as reciteD by claim 44.

The Rive patent describes a computer system having a storage device 52 (typically a hard drive) that is formatted to have at least four partitions. The partitions are identified as a supported partition 54, an unsupported partition 56, a mirror partition 58, and an output partition 60. See col. 5, lines 45-65. The supported partition includes boot sector 28, operating system 62, and application software 64. The supported partition is protected from user modification. See col. 5, line 65-col. 6, line 8. A copy of the content of the supported partition 54 is located in the mirror partition 58. In this way, changes to the content of the supported partition 54 can be identified by comparing it with the content of the mirror partition 58, and if necessary, the content of the supported partition 54 can be restored by copying the content of the mirror partition 58 when desired. For example, the content of the supported partition 54 can be restored when a virus or execution error modifies the content of the supported partition 54. See col. 6, line 33-col. 7, line 2. The unsupported partition 56 includes an operating system 66 and application programs 68, and is unprotected so that its content can be modified by a user, such as by installing applications. See col. 7, lines 26-46. The output partition 60 is unrestricted and stores information generated by the supported partition 54, such as output documents from application 64, and configuration data required by the operating system 62 and application 64 of the supported partition 54, such as access configuration and setting files that record user preferences and settings. Browser bookmarks, as well as configuration and settings of word processing and spreadsheet applications are examples of the data stored together in the output partition 60. See col. 7, line 47-col. 8, line 17. The output partition 60 can further store output documents and configuration data for the operating system 66 and application programs 68 from the unsupported partition 56.

As described in the Rive patent, partitioning the hard drive 52 in this manner allows the content of the supported partition 54 to be protected, and to be easily restored when desired. Also, storing all of the user configuration and setting data, as well as the user data generated by the operating systems and applications from both the supported and unsupported partitions 54, 56 allow for separating operating systems and applications from user content to allow for easy restoration of the operating systems and applications and backup of the user content. See col. 13, lines 34-41.

The Largman application describes a computer repair process that uses switches to electrically switch components that have failed to components that function properly. See paragraphs 2-16. For example, data storage devices, such as hard drives, can be switched from one that has failed or has been corrupted to one that is fully functioning. See paragraphs 6-13. The switching capability is further extended to other components of a computer as well, such as power supplies, jumper connections, network connections and other circuits. See paragraphs 21 and 22. In a particular example described in the Largman application, two hard drives are used to restore a corrupt operating system, applications, and user data. A first hard drive is typically used during operation of a computer, and a second hard drive includes a duplicate of the operating system, applications, and backup versions of the user data. Upon corruption of the operating system, applications, or user data of the first hard drive, the first hard drive is reformatted and the data stored in the second hard drive is copied to the first hard drive to restore the operating system, applications, and a backup of the user data. The switching circuitry described in the Largman application enable this type of operation by allowing switching between the first and second hard drives.

The Examiner argues that the Rive patent teaches, among other things, a mass storage device that is partitioned for storing user preferences data in a first partition and user file data in a second partition. See the Office Action at pages 3 and 8. As previously discussed, the Rive patent describes partitioning a hard drive so that there are (1) a supported partition, (2) an unsupported partition, (3) a mirror partition, and (4) an output partition. The output partition is for storing information related to configuration and settings data for the operating systems and applications of the supported and unsupported partitions, as well as for storing data generated by the operating systems and applications of those two partitions. The Rive patent, however, does not teach separating the configuration and settings data from the data generated by applications between two different partitions. On the contrary, the Rive patent teaches storing all user modifiable data in one partition. The user modifiable data is analogous to data that includes both user preference data and user file data. Moreover, the Rive patent goes further by describing the arrangement of using one partition (output partition 60) for storing both the configuration data and user data to be shared by the operating system and applications of two other partitions (supported and unsupported partitions 54, 56) as "advantageous in that it provides a single, unified location at which output data, configuration data, and other modifiable data can be

saved." See col. 13, lines 34-40. Partitioning the hard drive 52 in a manner which the configuration and settings data is separated in a different partition from the user application data would be contrary to teachings of the Rive patent, since it would not provide the "single, unified location," which is described as being "advantageous."

The Examiner cites the Largman application as teaching a user preference reset device and a user file data reset device. See the Office Action at pages 3 and 8. As previously discussed, the Largman application teaches a computer system that uses switches to electrically switch out defective components with fully functioning components. In the particular example previously discussed, which is described at paragraphs 26-45 of the Largman application, the switching that occurs is entirely at the component level, namely, switching between one hard drive and another. The Largman application does not describe switching between partitions within a hard drive. As illustrated by the Largman example, the content of the different hard drive partitions are not reset, but the content of an *entire drive* is restored. That is, the operating system and applications from partition "b" of the fully functioning second hard drive copied to the corrupted first hard drive. Along with "pristine" copies of the operating system and applications from the second hard drive, *user data* from a backup version stored in partition "c" is copied over to the first hard drive as well. "Resetting" as described in the Largman application consists of wiping out all the data of the defective hard drive and copying all new data.

Moreover, the Largman application describes backing-up user data in partition "c" of the second hard drive. The Largman application does not suggest that "user data" includes two different types of data, namely, user preference data and user file data. The Largman application merely considers "user data" to all be the same, without any consideration of storing one type of user data in one partition and another type of user data in another partition. All of the user data is backed-up into the same partition, namely, partition "c."

In contrast to the combined teachings of the Rive patent and Largman application, the pending claims generally recite storing user preference data and user file data in separate partitions of a mass storage device, and further recite a reset device that resets at least some of the user preferences data and resets at least some of the user file data independently of or without resetting the other data. The combined teachings of the Rive patent and the Largman application result in a computer system that has a first hard drive partitioned as described in the Rive patent (which is consistent with partitioning described in the Largman application with respect to user

data), and further including a second hard drive on which an exact duplicate of the operating system and applications, as well as back-up versions of user data, are stored. As part of restoring corrupted data of a first hard drive, the first hard drive is reformatted (i.e., erased) and all new operating system, applications, and user data are copied to the reformatted hard drive. The combined teachings of the Rive patent and the Largman application, however, do not teach or suggest the combination of limitations recited by the claims.

For the foregoing reasons, claims 1, 16, 25, 37, and 44 are patentable over the Rive patent in view of the Largman application. Claims depending from these claims are also patentable due to their dependency from a respective allowable base claim.